

REMARKS

This is in response to the Office Action mailed September 11, 2003, in which claims 1-8 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Remillard (U.S. Patent No. 5,561,709) in view of Takemura (J.P. 404372057A) and Kosuda et al. (J.P. 411339106A).

Independent claims 1 and 6 disclose a method for automated checkout from a lodging facility. Included in the method are the elements of displaying for review on a guest terminal a list of charges to the guest's account, performing a checkout based upon the charges listed in response to a selection made by the guest, and sending of a receipt electronically to a destination provided by the guest. Independent claim 6 contains the aforementioned elements as well as the additional element of formatting the data containing the charges to a guest's account.

The Examiner rejected claims 1 and 6 as being unpatentable in view of Remillard. Remillard teaches a method for accessing remote electronic facilities in displaying the associated information on a conventional television set. After a self-configuring power up, information related to available facilities and programming, and autonomous mail checking is downloaded. The device displays a menu allowing the user to select from the facilities on the display screen. A user may choose from the options.

Remillard does disclose use associated with hotels offering room services and checkout through the use of a properly configured electronic device. Remillard's disclosure relates to applicant's discussion of the background of the invention. As discussed, a guest at a hotel may preform a video checkout which allows the guest to review charges on screen and approve charges. Charges will be automatically made to the guest's credit card, and an account statement will be mailed to an address which had been given to the hotel by the guest at the time of check in. *See* Application, p. 1, ll. 17-27. Such systems were known in the art at the time of filing, but the aforementioned system had several drawbacks that the invention of the application addresses. It is evident from a reading of Remillard that it discloses systems with the aforementioned drawbacks.

The disclosure of Remillard is parallel to the system described in the background of the invention. That is, it discloses a video checkout system but does not eliminate the personal handling of the account statements by lodging facility staff. There is no suggestion to send a receipt electronically to a destination provided by the guest. The receipt that is issued upon checkout must either be picked up by the hotel guest, which creates a delay for the guest in the checkout process, or be mailed to an address given by the guest. The mailing of the receipt poses additional problems in that the hotel must be careful to assure that the proper statements are sent to the proper guests. There is the potential that a guest will not receive a receipt, or will be sent the wrong receipt. The current system alleviates this problem by assuring that the receipt will be addressed by the guest. The receipt is sent electronically to the destination of the guest's choosing. There is no disclosure in Remillard to this effect.

Further, the current system envisions an interaction between the entertainment system with a headend connected through a plurality of guest terminals located in guest's rooms of the lodging facility. In such a system, the entertainment system interacts with a property management system to get a singular listing of all charges to a guest's account. Charges may include room service, entertainment provided via the entertainment system, and charges for the stay at the lodging facility, among others. Neither Remillard, Takemura, or Kosuda et al. disclose this interaction among systems.

This interaction is indeed a significant technical advancement. The lodging industry has long known of the drawbacks associated with manual checkout. The lodging industry is also aware of guest's wants and needs, especially relating to comfort. Entertainment systems were put into rooms to appease guests. Soon thereafter, the idea of video checkout was introduced into the industry. This was to speed along the checkout process to make the guest's stay as simple and easy as possible. However, video checkout still required involvement of lodging facility staff. The receipt of charges for a stay at a facility needed to be picked up at a central location, such as the front desk, which required the guest to spend additional time waiting, or the hotel staff would send the receipt in the mail, which required waiting for the receipt and personal handling by hotel staff.

Much time and research has been used in trying to improve the lodging industry over the last two decades including improvements in amenities offered to guests via electronic means, such as pay-per-view movies and television, video games, high-speed Internet connectivity, and online services including video shopping. Knowledge of video checkout has been around for a number of years. Similarly, knowledge of facsimiles and email has been around for a number of years. However, until the present invention, no person has created a checkout system from a lodging facility that does not require interaction with and involvement of the lodging facility staff.

With the present amendment, independent claims 1 and 6 have been amended to highlight the fundamental differences between the present invention and Remillard. In particular, the claims make it clear that the method of providing automated checkout by a guest from a lodging facility includes an entertainment system connected to a distribution system which uses a property management system that interacts with the entertainment system. The claims make it clear that the current invention applies to lodging facilities, specifically those with entertainment systems. In other words, the claims are directed to systems of checkout for lodging facilities by sending receipts electronically to destinations provided by guests. This is opposed to the simple video checkout disclosed by Remillard which is mentioned in background of the application.

To establish a prima facie case of obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. MPEP 2143.03 citing *In Re Royka*, 490 F.2d 981 (CCPA 1974). All words in a claim must be considered in judging the patentability of that claim against the prior art. *In Re Wilson*, 424 F. 2d 1382, 1385 (CCPA 1970). Thus, all the features of the claims must be taught or suggested by Remillard in view of Takemura and Kosuda et al. in order to properly reject the claims.

As amended, claims 1-8 define a method for video checkout which is neither taught nor suggested by Remillard, Takemura, or Kosuda et al. Reconsideration and allowance of amended claims 1-8 is requested.

The Remillard reference does not teach sending a receipt electronically to a destination provided by the guest as required by claims 1 and 6. Further, none of the forwarded references

discuss a system with a property management system. Therefore, since the cited references do not disclose all of the recited elements of claims 1 and 6, the references cannot render the claim obvious. Claims 2-5 and 7-10 all depend from claims 1 and 6 respectively. If an independent claim is non-obvious under 35 U.S.C. 103, then any claim depending therefrom is nonobvious. MPEP 2143.03, citing *In re Fine*, 837 F.2d 1071 (Fed. Cir. 1988). For purposes of the dependency on claims 1 and 6, claims 2-5 and 7-10 are allowable with the parent claims 1 and 6.

Although the office action did not specifically address arguments as to claims 7 and 8, the above comments apply to both claims 7 and 8. Also, new claims 9 and 10 contain subject matter of original dependent claims 2 and 3 but are depending from independent claim 6. The subject matter has already been addressed by the examiner in the last office action.

CONCLUSION

With this Amendment, pending claims 1-10 are in condition for allowance. Reconsideration and notice to that effect is respectfully requested. The examiner may contact the undersigned at the location and telephone number listed below if such would in any way facilitate allowance of this application.

Respectfully submitted,

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